

REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF STATE TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN DOCUMENTS IN THEIR POSSESSION RELATING TO STRATEGIES AND PLANS EITHER DESIGNED TO CAUSE REGIME CHANGE IN OR FOR THE USE OF MILITARY FORCE AGAINST IRAN

JUNE 23, 2006.—Referred to the House Calendar and ordered to be printed

Mr. HYDE, from the Committee on International Relations,
submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 846]

The Committee on International Relations, to whom was referred the resolution (H. Res. 846) requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

PURPOSE AND SUMMARY

House Resolution 846 requests the President and directs the Secretary of State to provide to the House of Representatives not later than 14 days after the date of the adoption of the resolution all documents, including planning documents, electronic mail records, minutes, memoranda, and advisory legal opinions in the possession of the President or Secretary of State, respectively, relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran.

BACKGROUND

House Resolution 846 is a resolution of inquiry, which pursuant to rule XIII, clause 7 of the Rules of the House of Representatives, directs the Committee to act on the resolution within 14 legislative days or a privileged motion to discharge the Committee is in order.

H. Res. 846 was introduced and referred to the Committee on International Relations on May 25, 2006. The Committee held a markup session on June 21, 2006, and ordered H. Res. 846 reported adversely.

Under the Rules and Precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to Deschler's Procedure it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."¹

On May 25, 2006, Rep. Barbara Lee of California introduced H. Res. 846. Rep. Lee's resolution seeks all documents, including planning documents, electronic mail records, minutes, memoranda, and advisory legal opinions in the possession of the President or Secretary of State, respectively, relating to strategies, and plans either designed to cause regime change in or for the use of military force against Iran.²

The Committee has now reported thirteen resolutions of inquiry. This particular resolution of inquiry comes at a critical time in diplomatic negotiations with Iran, when a peaceful solution to the crisis surrounding Iran's attempts to gain nuclear weapons might be attainable. Adoption of H. Res. 846 by the House could divert focus and possibly undermine the Administration's diplomatic efforts to secure a peaceful agreement with Iran. Conscious of this background, the Committee voted to report the resolution of inquiry adversely.

In recent years, Iran has aggressively pursued development of its nuclear program in the face of vocal opposition by the international community. With the accession of Mahmoud Amadinejad as president in 2005, we have seen an increase both in the pace of Iran's work on its nuclear program and in the inflammatory, confrontational rhetoric of Iran's leader. Nonetheless, the Bush Administration has continued to pursue a peaceful resolution through the use of diplomatic channels.

This emphasis on diplomacy can be seen in numerous noteworthy efforts. Over the past three years, the Administration has encouraged France, the United Kingdom and Germany ("the EU-3") in their diplomatic negotiations with Iran. The Administration has supported Russia in its proposal to enrich Iranian uranium on Russian soil. In addition, the Administration has actively sought a United Nations Security Council Resolution aimed at limiting Iran's ability to produce weapons of mass destruction through non-military, punitive measures.

In May of this year, the President offered to join diplomatic talks with Iran, signaling a major shift in U.S. policy and underscoring the Administration's commitment to a diplomatic solution. As a result, representatives of the United States, China, Russia, France, Britain and Germany submitted a proposal to Iran that would require Iran to suspend its nuclear activities. Iran has not yet formally responded to the package, but stated that the proposal created a "positive atmosphere" and was "a step forward."

¹Deschler's Precedents, H. Doc. No. 94-661, 94th Cong., 2d Sess., vol. 7, ch. 24, section 8.

²H. Res. 846, 109th Cong. (May 25, 2006).

In this positive and productive atmosphere of diplomacy, it would be counterproductive to demand documents on contingency military plans from the Executive Branch. While news stories surfaced in April that the Administration was studying a possible military attack on Iran, President Bush immediately dismissed these reports as “wild speculation.” Contingency military plans exist for countless possible situations but are highly classified because their release would risk American lives and military effectiveness if they were ever needed. The Administration has given absolutely no indication that military strikes or actions to facilitate a regime change are presently being considered. In contrast, the Administration’s commitment to a diplomatic solution is evident.

Given the classified nature of the documents being requested and this crucial time in diplomatic negotiations with Iran, the Committee voted to report H. Res. 846 adversely.

HEARINGS

The Committee did not hold hearings on H. Res. 846.

COMMITTEE CONSIDERATION

On June 21, 2006, the Full Committee marked up the resolution, H. Res. 846, pursuant to notice, in open session. The Committee agreed to a motion to report the resolution adversely to the House by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

The Committee held no oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this resolution in article I, section 1 of the Constitution.

DISSENTING VIEWS OF CONGRESSWOMAN BARBARA LEE

I am disappointed that this Committee chose to vote to order this resolution of inquiry reported adversely.

My resolution would have simply requested the President to provide all information including documents, emails, minutes, memos, and advisory legal opinions relating to strategies, options, and plans either designed to cause regime change in Iran or for the use of military force against Iran.

At the outset, let me just set the record straight: as a long-time advocate for nuclear nonproliferation, I am concerned about the threat a nuclear Iran poses to not only the middle east, but also the world. Iran must be held accountable to international standards.

However, even as the unnecessary war in Iraq continues, along with a number of my colleagues, constituents, and Americans across the country I remain concerned that this administration may be taking steps to prepare a preemptive military strike against Iran.

The May 31 announcement that the Bush administration will join with the EU+3, China, and Russia in negotiations with Iran is a significant development. It is a step in the right direction. As Jessica Mathews, president of the non-partisan Carnegie Endowment has observed, joining in the negotiations and focusing on non-proliferation over regime change is crucial to the process.

A policy of regime change must be off the table if diplomatic negotiations are to succeed.

At the same time, the administration's participation in negotiations must not end our vigilance.

Frankly, we should all be concerned about the statements and actions that the administration is making given our experience in the lead up to the war in Iraq. The parallels are eerily similar.

Recent reports of the increase in reconnaissance, special operations in Iran and enlistment of the Iranian dissidents and opposition groups all remarkably mirror the march to a preemptive war against Iraq in 2003.

Let me give you a few examples:

Much like the incursions in July of 2002 with predator drones into Iraq, there have been reports of predator drones in Iran beginning in the spring of 2005.

According to retired Air force Colonel Sam Gardiner, there have been reports of special operations like that of Operation Southern Focus which reportedly struck 400 targets in Iraq beginning in July 2002. Similarly, there have been reports of special operations with Azeri, Kurdish and MEK support beginning last summer. All this is without congressional authorization, and presumably, oversight.

On the home front, similar to the White House Iraq Group which was formed with the express purpose of marketing the war in Iraq to Americans, there have been recent reports of the Iraq-Syria Operations Group being formed. For what purpose? This resolution of inquiry would have helped provide these answers.

Finally, and most disturbingly, the President's National Security Strategy, released in March of this year restates this administration's commitment to wage preemptive war.

Recent events on the diplomatic front, while encouraging must not dull us into complacency and lead us to shirk away from our constitutional obligation—the duty to conduct oversight.

It is important for us as members of Congress—especially those of us on this committee—to ensure that every diplomatic option is employed to disarm Iran.

Diplomacy is not simply a checkbox we mark off on the way to war.

We must get at the facts and get at the truth.

BARBARA LEE.